

REMARKS

With entry of the present amendment, claims 1-16, 18, 22-37 and 39-68 are pending. Claim 47 is amended. No new matter is believed to be presented by the foregoing amendment.

Entry of this amendment and reconsideration of the claims, as amended and in view of the following remarks, is requested.

With the exception of the double patenting rejections, all prior rejections have been withdrawn.

Claim 47 is objected to for use of the term "further" before methionine as methionine is already a component of the solution. Thus, claim 47 is herein amended to delete the word "further."

The Double Patenting Rejections

Claims 1, 18, 22, 39 and 49-58 are once again provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-16 of copending application USSN 10/014,363. (CD 20805). This rejection is traversed.

Claims 1-16 of copending application USSN 10/014,363 currently stand rejected. Meanwhile, with respect to claims 1, 18, 22, 39 and 49-58 of the instant application, the provisional obviousness-type double patenting rejection is the only rejection remaining in the instant case. As such, consistent with MPEP Section 804, the double patenting rejection is improper and should be withdrawn.

In the case of two copending applications, MPEP Section 804 B, second paragraph, states:

The "provisional" double patenting rejection should continue to be made by the examiner in each application as long as there are conflicting claims in more than one application unless that "provisional" double patenting rejection is the only rejection remaining in one of the applications. If the "provisional" double patenting rejection in one application is the only rejection remaining in that application, the examiner should then withdraw that rejection and permit the application to issue as a patent, thereby converting the "provisional" double patenting rejection in the other application(s) into a double patenting rejection at the time the one application issues as a patent. MPEP page 800-19 (emphasis added).

These are precisely the facts in the instant case. Thus, the provisional double patenting rejection of instant claims 1, 18, 22, 39 and 49-58 in view of claims 1-16 of copending USSN 10/014,363 is improper and should be withdrawn.

In addition, claims 1-16, 18, 22-37 and 39-68 are also provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 23-35, 38-42, 51-55, 59-61 and 67-77 of copending application USSN 09/853,731 (CD 20619), which is the parent of the instant application. This rejection is also traversed.

As was the case with respect to copending USSN 10/014,363 (CD 20805), claims 23-35, 38-42, 51-55, 59-61 and 67-77 of USSN 09/853,731 (CD 20619) currently stand rejected. Consequently, for the same reasons provided above with respect to the double patenting rejection over USSN 10/014,363 (CD 20805), this rejection is legally improper and should be withdrawn.

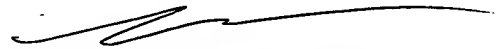
CONCLUSION

The foregoing amendment is fully responsive to the Final Office Action issued June 2, 2005. Applicants submit that pending claims 1-16, 18, 22-37 and 39-68, as amended, are allowable. Early and favorable consideration is earnestly solicited.

If the Examiner believes there are other issues that can be resolved by telephone interview, or that there are any informalities remaining in the application which may be corrected by Examiner's Amendment, a telephone call to the undersigned attorney is respectfully solicited.

Applicants believe that no fee is due with this communication. However, should the Patent Office determine that a fee is owed, or a credit is due to applicant, the Patent Office is hereby authorized to charge any required fees, including any extension of time and/or excess claim fees, or credit any overpayment, to applicant's Deposit Account 08-2525 as appropriate.

Respectfully submitted,



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